

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**KELVIN MANN,
Petitioner,**

v.

**THERESA DELBALSO, *et al.*,
Respondents.**

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CIVIL ACTION NO. 16-CV-724

ORDER

This 24th day of August, 2021, after consideration of Petitioner Kelvin Mann's Motion for Relief from Judgment Under Fed. R. Civ. P. 60(b) (ECF No. 38), it is hereby **ORDERED** that:

1. The Motion is **DISMISSED** for lack of subject matter jurisdiction without prejudice to Mann's right to file with the United States Court of Appeals for the Third Circuit an application to file a second or successive habeas petition. *See* 28 U.S.C. § 2244(b)(3)(A).

2. A Certificate of Appealability is **DENIED** pursuant to 28 U.S.C. § 2253(c) because reasonable jurists would not debate the propriety of this Court's procedural ruling with respect to these claims. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ Gerald Austin McHugh

GERALD A. MCHUGH, J.